

*a 4 t.*  
*com*

43. (New) The medical system of claim 42, wherein said controller moves the focal points in a circular pattern about the cornea, wherein the circular pattern has a diameter of approximately 6-8 millimeters.

44. (New) The method of claim 37, wherein a circular pattern of denatured tissue points are created in the cornea, the circular pattern having a diameter of 6-8 millimeters.

#### REMARKS

The Examiner has issued a restriction requirement. The applicant hereby affirms the election of claims 1-4, 32, 33 and 35-38.

The Examiner rejected claim 35 under 35 U.S.C. §112, second paragraph. The applicant has cancelled this claim.

The Examiner rejected claims 1-4 under 35 U.S.C. §102(e) as being anticipated by Knopp. Independent claim 1 recites an energy device that directs energy to a focal point within the cornea at a power level to denature the corneal tissue. The Knopp system does not denature the tissue, but actually creates laser lesions. As discussed in column 13, lines 49-63, the Knopp system creates a plasma. The Knopp system has means to ensure that a proper energy is being provided to maintain the plasma. Knopp is to be distinguished from the system recited in claim 1 which is merely denaturing tissue. For this reason the applicant submits that Knopp does not anticipate claims 1-4.

The Examiner rejected claims 32, 33, 35, 36, 37 and 38 under 35 U.S.C. §102(e) as being anticipated by Klopotek. Like Knopp, Klopotek describes a system used for photorefractive keratotomy. In such a procedure corneal tissue is ablated from the eye. This is to be distinguished from the invention recited in claims 32, 33, 35, 36, 37 and 38 which recite the application of energy to merely denature the corneal tissue. Klopotek does not

disclose a procedure to merely denature the tissue. Additionally, Klopotek does not disclose a procedure for focussing a beam within a cornea. The beam is focussed onto the exposed surface of the eye. For these reasons the applicant submits that Klopotek does not anticipate claims 32, 33, 35, 36, 37 and 38.

In view of the above it is submitted that the claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 1-4, 32, 33, 35-38 and 40-44 at an early date is solicited.

Respectfully submitted,  
IRELL & MANELLA LLP

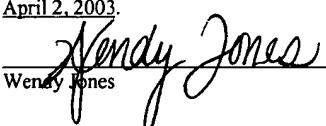
Dated: April 2, 2003

  
\_\_\_\_\_  
BEN J. YORKS  
Reg. No. 33,609

840 Newport Center Drive, Suite 400  
Newport Beach, CA 92660  
949-760-0991

*Certificate of Mailing*

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on April 2, 2003.

  
\_\_\_\_\_  
Wendy Jones Date 4/2/03

## APPENDIX

### IN THE CLAIMS

Claims 1, 32 and 36 have been amended as follows:

1. (Amended) A medical system that can denature a cornea, comprising:  
an energy device that can direct energy to a focal point within the cornea at a power level to denature corneal tissue; and,  
a movement device that moves the focal point of the energy.
32. (Amended) A medical device that can denature a cornea, comprising:  
a plurality of energy devices that can each direct energy to a different focal point within the cornea at a power level to denature corneal tissue; and  
a controller that can select the energy devices so that the focal point of energy varies through the cornea.
36. (Amended) A method for denaturing a cornea, comprising:  
directing energy onto a focal point within the cornea at a power level to denature corneal tissue; and,  
varying the focal point of the energy.